

BOARD OF FORESTRY AND FIRE PROTECTION
PROFESSIONAL FORESTERS REGISTRATION
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LICENSING NEWS

Vol. 18 No. 1

April 1999



LICENSING NEWS

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I. Board of Forestry and Fire Protection

1. Board Appointments to the Professional Foresters Examining Committee

The Board of Forestry and Fire Protection made the following appointments at its January 1999 meeting:

Michael C. Stroud, RPF #1501, CRM #4, was appointed to the Professional Foresters Examining Committee replacing Monte Bell, representing the certified specialist category. Mike is the manager of the Cultural and Natural Resources Program at the SW Division Naval Facilities Engineering Command in San Diego. Mike served on the subcommittee appointed by the BOF in 1990 to study issues of development of the CRM specialty certificate. He subsequently served four years on the original panel for Certification of Range Managers for the California Section of the Society of Range Management.

Douglas C. Ferrier, RPF #1672, has been re-appointed to his second full term on the PFEC, representing the RPF-Consultant category. Doug is a private consulting forester located in Dutch Flat, and brings over 25 years of practical experience in forest management practices to the PFEC. Doug's professional affiliations include the Association of Consulting Foresters, Inc., the California Licensed Foresters Association, and the Society of American Foresters.

2. Name Change for the Board of Forestry

On September 29, 1998, Governor Wilson signed into law Senate Bill 989. Included within SB 989, introduced by State Senator Byron Sher, was a provision to change the name of the State Board of Forestry. Effective January 1, 1999, the board will be known as the California "State Board of Forestry and Fire Protection."

3. Board and Licensing Web sites Online

Effective April 9, 1999, information on the Board of Forestry and Fire Protection and Professional Foresters Registration may be found on the Internet. While each entity has an individual webpage address, these sites are best initially accessed through the homepage of the Department of Forestry and Fire Protection at:

<http://www.fire.ca.gov>

The Board of Forestry and Fire Protection is linked to the CDF page, and

Professional Foresters Registration is in turn linked to the Board. Information found on these pages includes: Board policies, contact information, meeting notices, past meeting minutes, noticed rule packages, current and past issues of *Licensing News*, and links to webpages which contain applicable Public Resources Codes and California Code of Regulations. Future modifications to the Licensing page include the addition of the consulting RPF list and the application form for the RPF examination.

II. CDF and Resources Agency Activities

1. Governor Appoints New Director

Governor Appoints Director and Chief Deputy Director for Department of Forestry and Fire Protection

On March 19, 1999, Governor Davis announced the appointment of Andrea E. Tuttle as director and Elwood "Woody" K. Allshouse as chief deputy director for the Department of Forestry and Fire Protection.

Tuttle, 52 of Arcata, is the lead consultant for Andrea Tuttle and Associates, a natural resource policy and planning company she founded in 1992. Since 1997, she has been a member of the California Coastal Commission. Tuttle has also served as a consultant for the State Senate Select Committee on Forestry from 1987 to 1991 and was a member of the California Regional Water Quality Control Board, North Coast Region from 1976 to 1984. From 1978 to 1987, Tuttle served as an instructor and researchers on environmental planning at the Berkeley and Santa Cruz campuses of the University of California. Tuttle earned a Bachelor of Arts degree in biological science and doctorate in environmental planning from the University of California at Berkeley. She also holds a Master of Science degree from the University of Washington at Seattle.

Allshouse, 49, of Sacramento has served the Department of Forestry and Fire protection in several positions since 1973. He has been assistant chief since 1998. Previously, he has served the Department as battalion chief, fire captain and fire fighter. Allshouse is a graduate of the California Department of Forestry's Fire Academy and Crafton Hills Community College's emergency medical care program.

Ms. Tuttle's position requires Senate confirmation while Mr. Allshouse's position does not require Senate confirmation.

2. 1998 to Date THP Summary

CALENDAR YEAR 1999

TIMBER HARVESTING INFORMATION THROUGH APRIL

Note: This information is for THPs, Exemptions, and Emergencies submitted to the Department during a calendar year. The numbers are the cumulative totals for the calendar year as of the end of the specified month.

| | COAST CASCADE | | | | SIERRA SOUTH | | | | | |
|------|---------------|----|---------|----|--------------|----|--------|----|-------|----|
| | Santa Rosa | | Redding | | Riverside | | Fresno | | Total | |
| | 99 | 98 | 99 | 98 | 99 | 98 | 99 | 98 | 99 | 98 |
| YEAR | 99 | 98 | 99 | 98 | 99 | 98 | 99 | 98 | 99 | 98 |

| COMPARISON | | | | | | | | | | |
|-----------------------------|--------|--------|--------|--------|---|---|-------|-------|--------|--------|
| THPS RECEIVED | 147 | 153 | 80 | 84 | 0 | 0 | 17 | 34 | 244 | 271 |
| PREHARVEST INSPECTIONS | 70 | 140 | 52 | 78 | 0 | 0 | 8 | 26 | 130 | 244 |
| THPS NOT FILED (RETURNED) | 68 | 42 | 5 | 9 | 0 | 0 | 1 | 11 | 74 | 62 |
| THPS WITH NON-CONCURRENCES | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| THPS APPROVED | 92 | 101 | 57 | 65 | 0 | 0 | 16 | 22 | 165 | 188 |
| THPS DENIED | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ACREAGE IN APPROVED THPS | 11,037 | 14,323 | 20,016 | 19,974 | 0 | 0 | 2,222 | 4,085 | 33,375 | 38,382 |
| EMERGENCY NOTICES | 0 | 5 | 9 | 32 | 0 | 0 | 1 | 6 | 10 | 43 |
| EXEMPTION NOTICES | 210 | 225 | 395 | 300 | 0 | 4 | 129 | 189 | 734 | 718 |
| NONINDUSTRIAL THPS RECEIVED | 15 | 9 | 2 | 3 | 0 | 0 | 4 | 1 | 21 | 13 |

| AREA | EXEMPTIONS < 3 ACRE CONVERSION | EXEMPT FIRE HAZAR D | OTHER EXEMPT S. |
|------------|--------------------------------------|------------------------------|-----------------------|
| Santa Rosa | 13 | 84 | 123 |

| | | | |
|------------------|----|-----|-----|
| Redding | 50 | 180 | 165 |
| Fresno | 15 | 59 | 55 |
| Riverside | 0 | 0 | 0 |

3. 1998 Fire Season Summary

CDF 1998 Fire Season Summary

California Department of Forestry and Fire Protection (CDF)

| | <u>Fires (CDF jurisdiction)</u> | <u>Acres (CDF jurisdiction)</u> |
|-------------------------|---------------------------------|---------------------------------|
| 1998 | 5,227 | 92,456 |
| 1997 | 6,835 | 57,788 |
| 5 Yr. Avg. (1993-97) | 6,974 | 135,002 |

CDF Fire Suppression Cost: (Summer 98 and Spring 99)

Summer 98 estimate is \$44 million

Dollar Damage Cost (CDF jurisdiction):

\$27,431,318

Top Five in Acreage Burned (CDF jurisdiction)

| <u>Fire</u> | <u>Start</u> | <u>Contained</u> | <u>County</u> | <u>Acres</u> | <u>Structures Destroyed</u> | <u>Cause</u> |
|-------------|--------------|------------------|---------------------|--------------|---------------------------------|--------------|
| Edna | 10/5 | 10/7 | Riverside | 28,164 | 5 | Arson |
| Middle | 8/29 | 9/2 | Sonoma-Lake-Napa | 6,600 | 0 | Undetermined |
| Juniper | 8/31 | 9/3 | Riverside | 6,000 | 89 | Lightning |
| Weirick | 8/31 | 9/1 | Riverside | 5,000 | 0 | Lightning |
| Mercy | 7/10 | 7/11 | Mader-Marip.-Merced | 4,800 | 0 | Misc. |

Top Four in Structures Lost (CDF jurisdiction)

| <u>Fire</u> | <u>Start</u> | <u>Contained</u> | <u>County</u> | <u>Acres</u> | <u>Structures Destroyed</u> | <u>Cause</u> |
|-------------|--------------|------------------|-----------------|--------------|---------------------------------|---------------|
| Juniper | 8/31 | 9/3 | Riverside | 6,000 | 89 | Lightning |
| Edna | 10/5 | 10/7 | Riverside | 28,164 | 5 | Arson |
| Taylor | 10/5 | 10/8 | Riverside | 2,160 | 5 | Under Invest. |
| Bitterwater | 7/20 | 7/20 | San Luis Obispo | 420 | 5 | Vehicle |

(All CDF Ranger Units were on fire season by June 15, 1998 and all were off fire season by December 7, 1998.)

4. Fish and Game Code 1603 Permits and THP Documentation

Section 1603 of the Fish and Game Code requires any person who proposes a project or activity that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake or use materials from a streambed to notify the Department of Fish and Game (DFG) before beginning the project or activity. The DFG issues 1603 Agreements to

landowners with approved Timber Harvesting Plans (THPs) when necessary. The 1603 Agreements have been issued in the past regardless of whether mitigation measures were disclosed in THP. This is about to change.

As of May 1, 1999, due to a recent court ruling, the 1600 Agreement process must fully comply with CEQA. Previously, the DFG issued 1603 Agreements to private landowners without regard to CEQA or Functional Equivalent review of the project. The DFG is gearing up for the change, and is reviewing a draft proposal for assuring that the timber harvest permitting process complies with CEQA clearance mandates in the 1603 Agreements.

Proposed Changes

The current proposal is to dovetail the 1603 Agreement process with THP process. This proposal achieves the CEQA needs because the latter is a Functional Equivalent under CEQA. Section 1606 of the Fish and Game Code spells out the information requirements for THP submitters in order to meet the notification requirements of Section 1603. To fulfill the CEQA requirement of full disclosure of impacts and potential mitigation measures, additional analysis and descriptive information will have to be included in the THP if a project proposes activities that trigger Section 1603. CDF will amend the THP form to allow documentation of the appropriate disclosure and impact assessment.

Approved THPs and THPs Currently Under Review

THPs already approved and not yet operated on, and THPs currently in review may have to comply with a process that the DFG is developing for non-THP projects. CDF will send a mass mailing to all RPFs when the plans and process have been finalized.

5. Department Policy Change - Plan Submitter Signature

The Department of Forestry and Fire Protection's existing policy has allowed acceptance of a timber harvesting plan if the plan has been signed by the plan submitter, regardless of where the signature appears on the THP (i.e. as the timberland owner, timber owner, etc.). The provisions of 14 CCR §1035(c) of the Forest Practice regulations require the plan submitter to "Sign the THP certifying knowledge of the plan contents." and plan submitter responsibilities. If the person designated as the plan submitter has not signed the plan as the submitter then he/she has not, in fact, made this certification. Since the existing CDF policy is in conflict with the regulation on this matter, the Department is changing its policy to reflect the requirements of the law.

Effective June 1, 1999, the Department will no longer accept timber harvesting plans unless the plan submitter's signature appears in the location on the plan designated for the submitter's signature.

III. Federal Issues

1. USFS Limits New Road Construction on Most National Forests

On February 11, 1999, Forest Service Chief Mike Dombeck announced an 18-month moratorium on new road construction in unroaded areas in most national forests. While the 18-month road construction suspension is in effect, the Forest Service will develop a long-term road policy for the

National Forest Transportation System. In addition to minimizing environmental damage, the Forest Service will establish new policies to guide decisions on identifying unessential roads, recommending roads to be eliminated or maintained to reduce environmental damage, and assessing roads that need to be reconstructed and maintained so that they are safe and can sustain constant public use.

“The interim policy will allow us to protect socially important and ecologically valuable roadless areas while we develop a protective and responsible long-term road policy”, said Dombeck. “It is fiscally and environmentally irresponsible to continue to build roads in unroaded areas with our current road system in such disrepair.”

According to the new policy, which was published on February 13, 1999, in the *Federal Register* as a final rule, all Forest Service Roads will be placed in two categories: “classified” and “unclassified”. A classified road is at least 50 inches wide and constructed and maintained for vehicle use. An unclassified road is considered a road that was not constructed, maintained or intended for highway use.

The USFS stated that road management is a long-term financial commitment; once built, roads must be maintained by the USFS for many years. The USFS estimates the national forest road system has 383,000 miles of classified roads and 52,000 miles of unclassified roads. The agency projects the current backlog for maintenance and reconstruction of existing roads at \$8.4 billion. It only receives 18 percent of the funding needed to annually maintain roads to federal safety and environmental standards.

The 18-month rule will affect unroaded areas; portions of the National Forest System that do not contain classified roads. It also affects those areas listed below:

- All remaining roadless portions of the Roadless Area Review and Evaluation II (RARE II) areas and forest plan inventoried areas that lie ¼ mile or more beyond any classified road.
- A National Forest System area that is more than 1,000 acres contiguous and unroaded to a remaining roadless portion of RARE II areas or Forest Plan inventoried areas.
- All roadless areas identified in the Southern Appalachian Assessment.
- National Forest System lands of 1,000 acres or more contiguous and unroaded to wild segments of the Wild and Scenic River System.
- National Forest System lands of 1,000 acres contiguous and unroaded to other federal roadless areas of 5,000 acres or more.

Areas exempt from this rule include:

- National Forests with forest plans that have been revised since January 1, 1996, and have completed the appeal process.
- Those forests with revised forest plans that are under administrative appeal or revised during the period of the interim rule.
- Those forests with plan revisions or amendments resulting from multi-federal agency coordination using a science-based, eco-regional assessment.
- Road construction for public safety.
- Those areas where road access is necessary to ensure access by statute, treaty, or reserved to outstanding public right.
- Those areas where road access is necessary to save life or property because of flood, fire, or other catastrophic event.

The decision, which went into effect on February 26, 1999, is the outcome of the Forest Service analysis of the public comments and hearings it received and conducted on a proposal made in 1998.

2. Coastal Zone Act Reauthorization Amendments of 1990 (CZARA)

As of June 30, 1998, 29 coastal states (including California) and territories have conditionally approved coastal nonpoint pollution control programs. California has been in the forefront of nonpoint pollution control programs for many years. The Forest Practice Act is the most notable program to those readers of this publication. What is somewhat unusual is that within the context of CZARA, the definition of "coastal" includes the entire State as a management area within which it will implement the coastal non-point program.

The Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) mandated that states and territories with approved coastal zone management programs develop and implement coastal nonpoint programs. In 1993, the U.S. Environmental Protection Agency (EPA) and the National Oceanic and atmospheric Administration (NOAA) published technical and programmatic guidance to help the states develop their programs. The programmatic guidance stimulated additional discussion between the federal and state agencies that has now led to a final set of flexible guidelines to assist states in achieving full approval and moving ahead in implementing programs that will control polluted runoff.

After providing a 60 day comment period and drafting responses to comments, EPA and NOAA issued final administrative changes to the program guidance on October 21, 1998. These changes granted states an extended timeframe (15 years) to achieve full implementation of their management measures and allow them to focus priority activities on specific water quality problems and watersheds. Nested within each state's 15 year program strategy is to be a series of 5 year implementation plans with benchmarks against which EPA and NOAA will measure progress. States must update the plans at least every five years. EPA and NOAA have promised to work with the states to develop an efficient and effective evaluation process.

In California, the California Coastal Commission and the State Water Resources Control Board are the lead agencies entrusted by the federal government to develop and implement the coastal nonpoint program. On June 30, 1998, EPA and NOAA approved the coastal nonpoint pollution control program submitted by the State of California, subject to certain conditions. Those conditions likely to impacts RPFs are as follows:

FORESTRY - EPA and NOAA found that, "California's program includes management measures in conformity with the 6217(g) guidance and includes enforceable policies and mechanisms for implementation. However, additional management measures are necessary in order to attain and maintain water quality standards." The rationale for this finding is summarized as, "Although California does have the basic legal and programmatic tools to implement a forestry program in conformity with Section 6217, these tools have not been fully effective in ensuring water quality standards are attained and maintained and beneficial uses are protected. California waters currently experience significant impacts from forestry."

Continuing, "Section 6217 recognizes that implementation of the (g) management measures alone may not always be adequate to protect coastal waters from non-point sources of pollution. In these cases, Section 6217 requires the identification and implementation of additional management measures. Thus, California will need to adopt additional management measures for forestry to address coastal waters that are not attaining or maintaining applicable water quality standards or protecting beneficial uses, or that are threatened by reasonable foreseeable increases in pollutant

loadings from new or expanding forestry operations.”

ADMINISTRATIVE COORDINATION - It was found that, “California’s program does not include adequate mechanisms to improve coordination among State agencies and between State and local officials in implementing the coastal nonpoint program.”

MONITORING - It was found that, “California’s program does not include a plan to assess over time the success of the management measures in reducing pollution loads and improving water quality.”

Contained in the EPA/NOAA critique of this plan was a strategy for implementation:

“California will...develop and apply credible survey tools to demonstrate the ability of the State’s approach to achieve widespread implementation of these management measures. The use of credible assessment techniques is necessary in order for NOAA and EPA to evaluate after the end of the three year period described in the March 16, 1999 guidance issued by NOAA and EPA entitled *Flexibility for State Coastal Nonpoint Programs*, whether the State’s approach has been successful or whether new, more specific authorities will be needed.”

At this writing, representatives of the Board of Forestry and Fire Protection and the Department of Forestry and Fire Protection have met with the developers of California’s plan to discuss current sufficiency relative to forestry issues. Future meetings are anticipated, and the outcomes of those meetings will be found in a future issue of *Licensing News*.

2. Endangered Species “Box Score”

| THREATENED | ENDANGERED | | | | | |
|------------------|------------|---------|------|---------|----------------|-------------------------|
| | U.S. | FOREIGN | U.S. | FOREIGN | TOTAL LISTINGS | U.S. SPECIES W/ PLANS** |
| MAMMALS | 60 | 251 | 8 | 16 | 335 | 49 |
| BIRDS | 75 | 178 | 15 | 6 | 274 | 77 |
| REPTILES | 14 | 65 | 21 | 14 | 114 | 30 |
| AMPHIBIANS | 9 | 8 | 7 | 1 | 25 | 11 |
| FISHES | 70 | 11 | 40 | 0 | 121 | 88 |
| SNAILS | 18 | 1 | 10 | 0 | 29 | 20 |
| CLAMS | 61 | 2 | 8 | 0 | 71 | 45 |
| CRUSTACEANS | 17 | 0 | 3 | 0 | 20 | 12 |
| INSECTS | 28 | 4 | 9 | 0 | 41 | 27 |
| ARACHNIDS | 5 | 0 | 0 | 0 | 5 | 5 |
| ANIMAL SUBTOTAL | 357 | 520 | 121 | 37 | 1035 | 364 |
| FLOWERING PLANTS | 539 | 1 | 132 | 0 | 672 | 493 |
| CONIFERS | 2 | 0 | 1 | 2 | 5 | 2 |
| FERNS AND OTHERS | 26 | 0 | 2 | 0 | 28 | 26 |
| PLANT SUBTOTAL | 567 | 1 | 135 | 2 | 705 | 521 |
| GRAND TOTAL | 924 | 521 | 256 | 39 | 1,740* | 885 |

TOTAL U.S. ENDANGERED: 924 (357 animals, 567)
 TOTAL U.S. THREATENED: 256 (121 animals, 135 plants)
 TOTAL U.S. LISTED: 1180 (478 animals***, 702 plants)

*Separate populations of a species listed both as Endangered and Threatened are tallied once, for the endangered population only. Those species are the argali, chimpanzee, leopard, Stellar sea lion, gray wolf, piping plover, roseate tern, green sea turtle, saltwater crocodile, and olive ridley sea turtle. For the purposes of the Endangered

Species Act, the term "species" can mean a species, subspecies, or distinct vertebrate population. Several entries also represent entire genera or even families.

**There are 488 approved recovery plans. Some recovery plans cover more than one species, and a few species have separate plans covering different parts of their ranges. Recovery plans are drawn up only for listed species that occur in the United States.

***Five animal species have dual status in the U.S.

IV. RPFs and CRMs

1. RPF and CRM Examination Results

The second RPF examination of 1998 took place on October 16, 1998. Of the 33 applicants taking the examination, 21 (64%) were successful. One individual took the only CRM examination given in 1998. Congratulations to those who passed! The Board of Forestry approved the following as Registered Professional Foresters and Certified Rangeland Managers at its January 1999 meeting:

| | | | |
|---------------------|-----------|-------------------|-----------|
| Steven L. Henson | RPF #2632 | Alan Peters | RPF #2633 |
| Alex M. Straessle | RPF #2634 | John R. Van Duyn | RPF #2635 |
| Robert D. Reynolds | RPF #2636 | Ian R. Thompson | RPF #2637 |
| Steve Wilson | RPF #2638 | James S. Hildreth | RPF #2639 |
| Joseph A. Naya | RPF #2640 | Shana R. Jones | RPF #2641 |
| Eric A. Schallon | RPF #2642 | David W. Whittier | RPF #2643 |
| Donald L. Dukleth | RPF #2644 | James E. Dudley | RPF #2645 |
| Colleen C. Shanahan | RPF #2646 | Linda J. Romero | RPF #2647 |
| Kent R. Julin | RPF #2648 | Ivan J. Houser | RPF #2649 |
| John R. Bennett | RPF #2650 | Robert G. Little | RPF #2651 |
| Stephen J. Hohman | RPF #2652 | Jeffery A. Creque | CRM #75 |

2. Lost in the Woods

The following RPFs have moved and not notified us of their new addresses as required by section 1606, Title 14, California Code of Regulations (14CCR). If you know of their

whereabouts, contact Foresters Licensing or have them contact us at (916) 653-8031.

| | | | |
|---------------------|-----------|-------------------|-----------|
| James McDaniel, Jr. | RPF #2409 | Albert Miller | RPF #1798 |
| Kevin Moore | RPF #2022 | Brendan O'Riordan | RPF #2019 |

3. Condolences

For those of you who have not heard, some of our fellow RPF's have passed away since the last issue of "Licensing News". Our sympathy to the family and friends of each.

| | | | |
|-------------------|----------|-----------------|----------|
| Robert B. Bellamy | RPF #923 | J. Marvin Dodge | RPF #115 |
|-------------------|----------|-----------------|----------|

4. RPFs and Geology, Part II

The topics of "unstable areas" (14 CCR §895.1) and landsliding have been at the forefront of issues discussed at recent Board of Forestry and Fire Protection meetings. With the increasing recognition of the importance of documenting watershed conditions relative to cumulative impacts, the role of the RPF in the identification and treatment of these areas is becoming more complex and critical. In undertaking these tasks, it is crucial that the RPF recognize when "...the expertise that is prudently required exceeds the expertise possessed by the professional forester." (PRC 752)

The dividing line between addressing unstable areas and the practice of geology is admittedly blurred in many situations. The Board of Registration for Geologists and Geophysicists (BRGG), Board of Forestry and Fire Protection and Professional Foresters Registration are currently attempting to clarify this line, and subsequently informing both Geologists and Professional Foresters what constitutes prudent practice in their respective professions.

What follows is the abridged transcript of a presentation by Seena Hoose, Chair – Board of Registration for Geologists and Geophysicists. This talk, delivered at the California Licensed Foresters Association workshop on "Geology and Mass Wasting in Forested Landscapes" on August 27, 1998, summarizes the view of the BRGG relative to the practice of geology in forested landscapes.

"I may say some things that are going to be surprising, including some new information that you may not have had before. I also suspect there may be some questions, so I am going to try to go as quickly as I can so that we have some time for discussion afterward.

I'll give you just a little background on the Board. The Board was created in 1969, that gives you a perspective about where the licensing for geologists fits relative to licensing for foresters. We serve for four years. But, there are really only three professional people on the licensing board for geologists, the rest represent the public interest. That's where our mission comes in: "To continuously enhance the quality, value and the availability of geological and geophysical services offered to the people of California", including everybody in this room. It means that we need to have a supply of enough geologists to do the work, we also need to have people who are well trained and who have been examined appropriately. The whole point here is that we maintain a roster of licensed geologists and this roster is open to the public. The website address for the Board is <http://www.dca.ca.gov/geology>. If you have specific questions or concerns the email address is: geology@dca.ca.gov. You can connect directly into the email from the website.

The requirement for a registered geologist is to have a minimum of a bachelor's degree in geology and five years experience that is at a professional level. You have to work for five years under the immediate supervision of a registered geologist, and that work has to be of sufficient complexity and

variety to qualify you to take the license exam. Then you have to pass the exam. The exam for the last several years has had a pass rate on the order of 30%, and I understand it's fairly comparable to the registered forester's exam.

Once you have a license as a registered geologist, you can obtain another license, as a certified engineering geologist. A registered geologist can do the activities of an engineering geologist, but they can't call themselves a certified engineering geologist unless they have passed the exam. I think you can see from the definition, which is directly from the act, that geologists do anything that has to do with the earth. This is a very broad definition and we're looking at its constituents of rocks, minerals, liquids, gases, other materials and all the soils. The difficulties that are presented by this legal definition are many, and we work with this constantly. Here for the purposes of our discussion we have a little more focus than this, and in particular, a lot of the work we were talking about here is engineering geology in particular. That is the "Application of geologic data or information, principles, and the interpretation of those principles so that those geologic factors which effect planning, design, construction, and are preferably recognized and used." So, that's fundamentally where the engineering geologist comes into play with the forestry issues. That is to make sure that the roads are to be put in, in such a way that they do not cause a negative impact or that those negative impacts are as much minimized as can be.

I have an example of where some recent information [PTEIR] came in and it identified that a certified engineering geologist or a trained registered forester could do these [geologically related] activities. That isn't quite legal, so this is an error. I'm going to talk later about ways that you can do your work, because we have to be practical here.

I was on a pre-harvest inspection and the foresters really impressed me with their professionalism, and their knowledge and understanding of the issues that they were looking at. Their observational skills were very, very good, and I have a feeling that this is a standard in your profession. I can *recognize* different species of trees. That doesn't mean, in any way, that I should *decide* which of those trees should be felled, how they should be taken out, or which trees are the appropriate trees to take out for a selected harvest. There's no way at all that that's any of my business as a geologist. It's the same sort of thing to recognize that a forester can identify and see things (unstable areas), but there's this level of the depth of knowledge that goes into the training and experience that develops a geologist. I think about the things that I can see in the forest, in the trees. I'm certain that I only saw about 10% of what a forester would see and recognize. The same thing goes for the geologic conditions. I am confident that trained geologists see and can identify things, particularly the causes and the processes of what's going on, that are not intuitively obvious to other intelligent, trained, knowledgeable people.

When you come to classifying something, that's a judgement. If you have to look at the process, you have to understand the process, and what is going on. Consequently, you end up with a classification. Jerry Weizorek was one of the first ones to classify landslides as "possible", "probable", "questionable" and "indefinite". This is a very complex evaluation and the changing of the determination on a landslide is an important one. When we were out in the field we looked into a variety of different landslides and we did talk about how old certain of those landslides were. Some of them were vegetated, but it was berry bushes. This doesn't tell me that it's a very old landslide, it tells me that it could have been last year's landslide or the year before last. It is not an old landslide. We don't classify something like that as an old landslide, even though it has lots of vegetation on it.

The pre-harvest that I had the opportunity to go out on is on a Pleistocene landslide, so it's more than 10,000 years old. But, the entire harvest is within this big landslide, so that means that all the soil and all the material that is present throughout the entire harvest has at least once been moving down

the mountain. So, it's not intact material. Parts of it on the surface have moved recently. Those are the kinds of things that should at least be identified, rather than swept under the rug and not mentioned. It's important to use the published literature to bring these kinds of things to the forefront and to cite them correctly. When we talk about the relative stability and determination on the type of relative stability, that is a professional determination that in fact needs to be made by a geologist.

When I was talking with my colleagues, they asked: "Well, what about using things like a checklist?"

Well, there are some difficulties with a checklist as well. When you are looking at bedrock, bedrock clearly falls within that definition of geology, and earth materials fall within that definition of geology.

When we're looking at what is the cause, we're looking at process. So there are quite a few things here that need to be thought about. We have to work out a method or a means for working together to provide the information needed, and to do a good job in both cases. The idea of "responsible charges" work has to do with the individual who actually oversees the work, makes the professional judgements, or interacts with the subordinate employee who makes those professional judgements.

As I was thinking about this, I realized that the way that our act is written, a forester could for these purposes work as a subordinate employee to a geologist and do the first cut. The geologist would then have to come in and go through both the mapping, and do a field inspection to verify the information or the determination that has been made. This is one way of reducing the amount of time that a registered geologist would have to spend on a timber harvest. So these are some of the ways to approach or one idea for solving this issue of getting the work done in the way that it needs to get done.

One of the things that I need to say, that I know nobody in this room is going to like, is that geomorphology is the practice of geology. This is probably a surprise to some people because geomorphology is tied into many different departments and in different places. Geomorphology is a process, is a product, it's a result of earth processes and therefore it is in fact a practice of geology. Are there any questions, hopefully some discussion?"

Question: Is it practicing geology when a federal geomorphologist evaluates the work of a state licensed geologist?

Answer: Yes. If they're practicing on federal land, and it does not affect anything other than federal land, they do not have to be licensed. However, if that practice ends up having the result of reports, documents, etc., being disseminated or made available to the public, so that the public may reasonably be expected to rely on them or to be affected by them, then that work is required to be done by a California Registered Geologist. This is the land of "fuzz", because there is not a court case that settles this issue. But, this is what the law says at this time. It is a matter of public reliance on the outcome of the work.

Question: What are the limitations relative to a forester making a determination that a landslide is active, and is a forester practicing geology in undertaking a soil erosion hazard evaluation?

Answer: The determination of whether or not a landslide is an active landslide must be made by a registered geologist. Whether or not that's going to be a sediment source, is broader issue. Specifically because there are a whole group of people who do erosion studies, including geologists. I don't know that it's specifically clear that it's limited to geologists.

Question: Are you saying that the identification of unstable areas under the forest practice rules requires a geologist, not an RPF?

Answer: Yes, that is correct, the (forest practice) rules are wrong. You, in your final report, have to identify the unstable areas. If you need another expert to accomplish that then it's part of your overall professional responsibility to bring in that expert. If you bring in an archeologist to deal with the archeological issues this is a very similar kind of thing. You need an expert who can provide certain

pieces of information.

Question: Is there an avenue for foresters, with suitable training, to perform limited geology in THPs?

Answer: The suitable training program idea is that, say for example I have someone working for me as a subordinate employee. It is my job as a registered person to train that individual to recognize certain things and to be able to identify certain things. It is also my job as a professional to verify that they have done it correctly. I think that this is where there is room for us to work together and to resolve some of these challenges.

Question: Can a forester cite literature related to a THP area without practicing geology?

Answer: That's all it is, a citation, until you apply it specifically to a particular site. You can't just apply a standard rule of thumb or a standard statistical relationship. For example: "The Orinda Formation had "x" many potential landslides per square acre; therefore, this site, which is also in the Orinda Formation, is going to have so many landslides." It's not that simple because that doesn't answer where you put the roads.

Question: I'm still not sure whether RPFs are practicing geology without a license when what we do out in the field is identify unstable areas and put them on a map. We don't call these landslides, sometimes we can call them "potential", but usually we call them unstable areas. We identify these as unstable areas on a map, and then we propose mitigation, whether it be a limitation on the tree harvesting around these unstable areas, or we propose to cross these things and apply mitigation's to the heavy equipment use. In your opinion, is that practicing geology without a license?

Answer: Yes."

5. Out on a Limb

"... ACCURACY AND COMPLETENESS OF IT'S CONTENTS."

In leaving California in 1991, Ira RPF had decided that perhaps forestry in New Zealand was the new frontier that presented the forestry, as opposed to regulatory, challenge he craved. However, in light of the depressed lumber markets globally, Ira now finds himself seeking office space in Northern California to hang out his shingle as a consulting forester.

Not fully aware of the magnitude of change that has occurred in forest practice regulation in the past eight years, Ira gleefully accepts his first job to prepare a Timber Harvesting Plan within the county in which he now resides. Once the glee has subsided, Ira becomes very aware of the depth and breadth to which the cumulative impact analysis requirements have expanded. Specifically, he ponders the amount of information he will be required to make an effort to attain. After reviewing the Cumulative Impacts Assessment Checklist (14 CCR §912.9), he reassures himself that the task can be achieved. Continuing through the regulations, he turns the page to the Board of Forestry Technical Rule Addendum No. 2 – Cumulative Impacts Assessment, and contacts United Airlines to find out what the current one-way fare is back to Auckland.

However, professionalism overrides his immediate instincts, and Ira proceeds to list the areas he will need to address, and where he will obtain this information. Knowing the importance of watershed resources in a cumulative impacts analysis, his first contact is with the landowner that has retained his expertise. This client, luckily, is a large industrial timberland owner who maintains a relatively complete staff of foresters, as well as contracts with various specialized consulting resource professionals, on an as needed basis.

The Calwater watershed assessment area that Ira has decided to use is dominated by moderate to steep slopes with decomposed granite soils. Running through the center of the proposed THP is a Class I watercourse. Immediately adjacent to this watercourse is a major main line haul road. This THP is located in a planning watershed that had seen a relatively large amount of harvesting within the past ten years. The landowner is able to convey to Ira a rather large and complete list of past projects, primarily previous THPs, within the watershed. However, Ira feels it prudent to focus on the area immediately adjacent to the watercourse itself, in light of the potential for cumulative impacts.

Through previous watershed analyses, the landowner has a reasonably complete stream inventory, for which Ira is extremely grateful. Also forthcoming is a list of road improvement projects, rehabilitation projects, and other mitigations that the landowner has performed outside of the THP area proper, but within the planning watershed, to minimize direct sediment contributions to this watercourse.

Believing he has sufficient information to begin his fieldwork, Ira launches out to perform as much work as possible before the onset of the winter rainy period. Ira is able to complete this work, and able to see where various road mitigation measures and rehabilitation projects were performed. Just prior to submittal of the completed THP to the landowner, Ira is informed that there has been a change in plans and this THP will not be required until the following year.

The following spring, Ira is contacted by the landowner that has decided they must have Ira's completed THP, "yesterday". Being the prudent professional he is, he makes one last visit to the proposed THP area to verify that things are still as he knew them the previous fall. In attempting to reach the unit, he discovers that the main access road, adjacent to the Class I watercourse in the planning watershed, has been severely damaged by localized washouts and road slumps due to extreme weather during the winter. Ira opts to take a secondary road to access the THP area. While this is of concern, he recalls that in the cumulative impacts portion of the THP he noted that the haul road adjacent to the watercourse had contributed significant sediment to the stream channel, and feels his concern subside. After verifying the ground conditions, he returns to the office to put the finishing touches on the document. He discovers that he no longer has a copy of the list of various road improvement projects completed by various consultants, which the landowner previously supplied, and receives a new copy. Ira, however, does not note that the date on the printout that he has just received is the current date, and because of the design of the form, appears to imply that all the projects are still currently functioning. Ira incorporates the printout, unaltered, with no clarifications, into the THP.

The THP is submitted and accepted for filing. During the PHI, the interdisciplinary team notes that the past winter's extreme weather has caused severe impacts to the main haul road and significant amounts of sediment have entered the adjacent watercourse. Most of the past road mitigation measures and rehabilitation projects have been washed out. After office review of the proposed THP, and prior to the field inspection, the various review team agencies had believed that the various mitigation measures were still fully functional. During the PHI, after discovering that field conditions were not clearly stated in the plan, Ira requests immediate withdrawal of the Plan, and his request is granted by CDF.

Several months later, the PFEC receives a complaint against Ira from a domestic water supply company who believed the original THP, as submitted, misrepresented the true conditions of the watercourse from which they draw their domestic water supplies. The PFEC ponders the seriousness of the misrepresentation relative to the mitigation/rehabilitation list. It was clear to the Committee that Ira had not met the standard of RPF responsibility relative to the disclosure of the status of the road improvement projects. Per the current California Forest Practice Rules, "Upon submission of a THP, the RPF who prepares and signs a plan is responsible for the accuracy and completeness of its contents." (14 CCR §1035.1) While the Committee agreed that the

misrepresentation had not resulted in environmental damage, it was very concerned that the involved resource agencies, after expending significant resources, had been misled, as had the public. In his defense, Ira stated that while he was aware of the recent impacts upon the road, he felt that the past winter's additional impact to the road and adjacent watercourse was addressed in the body of the plan when he stated: "The adjacent haul road contributes annually to sediment in the watercourse". It was only at the PHI that Ira realized that the replaced mitigation projects list, with the current date, would lead people to believe that the projects were still fully functional.

The PFEC was also concerned that the landowner, who was aware of the fact that the various projects were no longer functional, failed to directly inform Ira of the fact, when the replacement list was provided to Ira. It was noted that the landowner, which acted as plan submitter, had two opportunities to discover this error. First, when transmitting the list to Ira, and later when reviewing the THP prior to signature as plan submitter. However, it was the determination of the PFEC that Ira, in signing the plan, was solely responsible for the accuracy of its contents. In its final determination, the PFEC agreed that Ira had not intentionally attempted to mislead the reviewing agencies and the public, however he was guilty of negligent misrepresentation.

In the case where the RPF is supplied material by a landowner and/or plan submitter, the RPF must give it the test of reasonableness, based on the RPF's inspection of the land. The work products of other resource professional's should be documented, and any known limitations noted. While, Ira was aware that the information supplied was no longer accurate, he failed to clearly convey this fact in the document. In this case, the logical inference was that the previous erosional contributions of the road had been mitigated, while in fact this was no longer the situation. The inclusion of the list of road improvement projects was commendable in documenting past activities and mitigation within the watershed. However, the resulting effect of the list in misleading the reviewing agencies and the public, acted to outweigh its value as a supporting document. In this THP, it appeared that Ira made a significant effort to include as much information as possible to accurately characterize the condition of the watershed. However, he was remiss in assuring that all of the individual pieces of information conveyed an accurate characterization, when viewed as a whole.

6. RPFs and Advertising

Professional Foresters Registration has received several inquiries as to the "policy" that governs RPFs who advertise or distribute solicitations to perform professional forestry services. This practice is covered under the current regulations which apply to all licensed foresters. (14 CCR §1600 *et. seq.*) Specifically, 14 CCR §1602.1 – Identity Required of Registered Professional Forester in Charge, makes the requirements relative to advertising quite clear.

"Any letter or document which offers to perform or implies the performance of any professional forestry work must identify by name and license number the forester (RPF) who will be in charge of such work when it is performed."

"Letters" or "documents" include such things as: solicitation letters, advertising, business cards and phone book listings. While this regulation is abundantly clear to individuals practicing professional forestry, the application to a business is somewhat murkier. Prudent professional practice suggests that forestry consultants who retain more than one RPF, at a minimum list the name and license number of the owner, assuming that individual is licensed, or the senior supervisory forester.

Registered Professional Foresters should be mindful that the Professional Foresters Law, in addition to assuring competent and professional managers on California's forested landscape, acts to provide the public with a level of consumer protection. All RPFs are encouraged to review their manner of

advertising to assure compliance with 14 CCR §1602.1.

V. Professional Foresters Examining Committee

1. Status of RPF Licensing Cases through 1998

There were 12 cases carried over from previous years, and 16 new cases where brought to the attention of the PFEC in 1998. During 1998, 18 cases had an action taken. To date, two new cases have been initiated in 1999. Licensing case dispositions, over the past four years are summarized as follows:

Disciplinary Action

| | 1994 | 1995 | 1996 | 1997 | 1998 |
|---|-------------|-------------|-------------|-------------|-------------|
| Revocations (stipulated) | 2 | 0 | 0 | 0 | 0 |
| Suspension & probation | 2 | 4 | 2 | 5 | 2 |
| Probation only | 1 | 0 | 0 | 0 | 0 |
| BOF Reprimand | 2 | 0 | 2 | 2 | 1 |
| PFEC Letter of Concern | 2 | 0 | 2 | 0 | 2 |
| Exoneration | 5 | 6 | 1 | 1 | 3 |
| Notice of requirements to be licensed, case combined with other actions, or referred to CDF for LTO review. | 4 | 3 | 13 | 9 | 10 |

2. Disciplinary Actions

CASE NUMBER: **200**

Allegation:

The complaint alleged that the RPF failed to adequately supervise logging operations, made several material misstatements regarding his role in this matter, and misrepresented the conditions of a subsequent log brokerage agreement.

Discipline:

The PFEC, following a thorough investigation, found that there were no actionable causes under either the Forest Practice Rules or the Professional Foresters Law, and recommended **Exoneration** of the complaint against their license.

CASE NUMBER: **254**

Allegation:

The complaint alleged that the RPF, as a named “plan participant”, failed to identify the presence of habitat of an endangered species (14 CCR §919.11), and the presence of a late successional forest stand (14 CCR §919.16), within the body of a submitted and approved THP.

Discipline:

The PFEC, following a thorough investigation, found that the RPF had committed no unprofessional act related to the disclosure of an endangered species or late successional forests within the THP, and recommended **Exoneration** of the complaint against their license.

CASE NUMBER:**255****Allegation:**

The complaint alleged that the RPF failed to disclose the presence of habitat of an endangered species within, and adjacent to, a Timber Harvesting Plan which was written by the RPF (14 CCR §919.11). Additionally, it was alleged that the RPF failed to disclose the presence of a late successional forest stand within the boundary of the same THP.

Discipline:

The PFEC has completed its review of the case and determined that there was insufficient evidence to support disciplinary action by the Board of Forestry and Fire Protection relative to the allegations filed. Although the PFEC did not recommend censure by the Board of Forestry, it did determine that there was a lack of full disclosure by the RPF relative to existing wildlife survey data, which constituted a lesser failure of professional responsibility. It was determined that this lack of disclosure had the potential to mislead reviewing agencies and the public. As a result, the PFEC issued a **Confidential Letter of Concern** to the RPF.

CASE NUMBER:**256****Allegation:**

The complaint alleged that the RPF, as a named “plan participant”, failed to identify the presence of habitat of an endangered species (14 CCR §919.11), and the presence of a late successional forest stand (14 CCR §919.16), within the body of a submitted and approved THP.

Discipline:

The PFEC, following a thorough investigation, found that the RPF had committed no unprofessional act related to the disclosure of an endangered species or late successional forests within the THP, and recommended **Exoneration** of the complaint against their license.

VI. Legislation**1. Legislative Update**

Several pieces of proposed legislation, which may have an impact on Registered Professional Foresters, have been introduced during the 1999-2000 regular session of the California State

Legislature. The Legislative Counsel's Digests that follow were current as of April 27, 1999. The most current digest, as well as the complete bill language, may be obtained via the Internet at: <http://www.leginfo.ca.gov>.

AB 242, as amended, Thompson. **Forestry: oak woodlands.**

Existing law provides for the protection of forest resources in this state.

This bill would enact the Oak Woodland Conservation Act to provide funding for the conservation and protection of California's oak woodlands. The bill would create the Oak Woodland Conservation Fund in the State Treasury and would authorize the expenditure of moneys to fund, upon appropriation by the Legislature, for purposes of the act. The bill would create the Oak Woodland Conservation Program, as specified, and would require the Wildlife Conservation Board to implement and administer the program, as prescribed.

AB 626, as introduced, Olberg. **Endangered species: incidental take.**

(1) Existing law provides that if any person obtains from the Secretary of the Interior or the Secretary of Commerce an incidental take statement or incidental take permit pursuant to the Endangered Species Act of 1973 that authorizes the taking of an endangered species or threatened species listed pursuant to the federal act and that is an endangered species, threatened species, or candidate species pursuant to the California Endangered Species Act, no further authorization or approval is necessary under the California act for that person to take that species, if that person notifies the Director of Fish and Game, as specified.

Under existing law, unless deleted or extended by a later enacted statute that is chaptered before the date these provisions are repealed, these provisions remain operative until the federal provisions for issuing incidental takes statements or incidental take permits are amended, as specified, and on that date the provisions are repealed.

This bill would extend these provisions indefinitely by deleting the provision providing for the repeal.

(2) Existing law requires the Department of Fish and Game to pay the costs of administration of the California Endangered Species Act from the continuously appropriated Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund.

Because this bill would extend the duties of the department under the act indefinitely, the bill would make an appropriation.

AB 717, as amended, Keeley. **Timber harvesting plans: watershed areas.**

(1) Existing law, the Z'berg-Nejedly Forest practice Act of 1973, prohibits a person from conducting timber operations, as defined, until the person files a timber harvesting plan with the Department of Forestry and Fire Protection, in accordance with specified requirements.

The act requires that a timber harvesting plan be a public record and include specified information relating to the conduct of timber operations.

This bill would require that a timber harvesting plan include additional information relating to the conduct of timber operations in a relevant planning watershed, as defined.

The act requires the department, with respect to a timber harvesting plan filed with the department, to consider all comments and recommendations received from responsible agencies and from the public during the public comment period on the plan.

This bill would also require the department to respond in writing to each of those comments and recommendations, and would require a responsible agency to make available to the department any applicable information or documentation it has received pertaining to the timber harvesting plan regarding current conditions in the area potentially affected by the plan, as specified. The bill would authorize the department or a responsible agency to require additional mitigation or monitoring measures, or both, to ensure compliance with rules and regulation of the State Board of Forestry and other applicable laws and regulations.

The act requires the Director of Forestry and Fire Protection, upon the request of a responsible

agency, to consult with that agency, but provides that the director, or his or her designee within the department, shall have the final authority to determine whether a timber harvesting plan is in conformance with the rules and regulations of the board and with the act.

This bill would provide that the director shall have the final authority to determine whether a timber harvesting plan is in conformance with the rules and regulations of the board, with the act, and with any other applicable laws.

The act makes any person who willfully violates any provision of the act or any rule or regulation of the board guilty of a misdemeanor punishable by a fine of not more than \$1,000 or imprisonment in the county jail for not more than 6 months, or by both that fine and imprisonment.

This bill would prescribe certain penalty enhancements and would prescribe the circumstances under which a penalty enhancement would apply. The bill would require that any penalties imposed pursuant to those provisions be used, upon appropriation by the Legislature, for the support of the department and other responsible agencies and to increase staffing and other support for the enforcement of the act and the rules and regulations of the board.

This bill would authorize the board or a superior court to impose a civil penalty in an amount not to exceed \$15,000 for each day on which a violation of the act or any rule adopted pursuant thereto occurs. By imposing new duties on courts, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

AB 748, as introduced, Keeley. **Timber harvesting plans: fees.**

Existing law, the Z'berg-Nejedly Forest Practice Act of 1973, prohibits a person from conducting timber operations, as defined, until a person files a timber harvesting plan with the Department of Forestry and Fire Protection in accordance with specified requirements.

This bill would prohibit the department from accepting for review or approving a timber harvesting plan until such time that the person submitting the plan has paid a fee to the department that is sufficient to compensate the department, the appropriate California regional water quality control board, the Department of Fish and Game, and the Division of Mines and Geology for any costs incurred by those agencies in connection with the administration and enforcement of laws governing timber harvesting plans, as specified. The bill would require the department to adopt a schedule of timber harvesting plan filing fees, as prescribed.

AB 954, as introduced, Mazzoni. **Forest resources: pitch canker control.**

Existing provisions of the Budget Act of 1998 appropriated funds to the Department of Forestry and Fire Protection to develop and implement specified measures designed to control the fungus known as "pitch canker".

This bill would authorize the department to use any funds appropriated pursuant to those provisions to undertake research programs to develop a Monterey pine that is genetically resistant to pitch canker, thereby making an appropriation.

AB 982, as amended, Ducheny. **Water quality: total maximum daily loads.**

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional quality control boards are the principal state agencies with regulatory authority over water quality. Under the federal Clean Water Act, each state is required to identify those waters for which prescribed effluent limitations are not stringent enough to implement applicable water quality standards and to establish, with regard to those waters, total maximum daily loads, subject to the approval of the United States Environmental Protection Agency, for certain pollutants

at a level necessary to implement those water quality standards.

This bill would make a statement of legislative intent to implement a total maximum daily load program as prescribed.

SB 390, as amended, Alpert. **Water quality: waste discharge requirements.**

Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are among the principal agencies with authority over water quality. Under the act, generally, persons discharging waste are required to file with the appropriate regional board a report of the discharge and the discharge is subject to waste discharge requirements prescribed by the regional board. Under the act, persons are generally prohibited from initiating a new discharge of waste, or making any material changes in any discharge of waste, prior to filing of the waste discharge report, and after the filing of that report unless waste discharge requirements have been prescribed or, under certain circumstances, 120 days have elapsed since the filing of that report. The act authorizes the regional boards to waive these requirements as to a specific discharge or type of discharge.

This bill would delete the authority of the regional boards to waive these requirements. The bill would, on and after May 1, 2000, with specified exceptions, prohibit a person from discharging waste, or making any material change in any discharge, prior to filing of a waste discharge report and the issuance of waste discharge requirements. The bill, subject to those exceptions, would provide that any previously issued waiver with regard to these requirements shall expire on May 1, 2000, and would require the state board, on or before January 15, 2000, to notify, in writing, any person who has been issued a waiver of the expiration of that waiver. The bill, subject to those exceptions, would require, on or before March 1, 2000, each person for whom the waste discharge report requirement was waived to file a report of the discharge.

SB 620, as amended, Sher. **Forest resources: timber harvests: steep slopes.**

Existing law, the Z'berg-Nejedly Forest Practice Act of 1973, prohibits a person from conducting timber operations, as defined, unless the person files a timber harvesting plan with the Department of Forestry and Fire protection, as prescribed. The act requires that all timber harvesting plans comply with specified resource conservation standards that specify minimum stocking requirements or with higher stocking standards adopted by the State Board of Forestry.

This bill would require the state board, on or before _____, 2000, to adopt regulations, initially as emergency regulations, that address the link between mass-wasting and landslides caused by timber operations that are conducted on steep slopes in geologically unstable areas of the state. The bill would require the state board, in adopting those regulations, to determine whether timber operations in which more than 70% of the conifer basal area is removed in one timber operation should be prohibited or otherwise restricted within any of specified forest districts, as defined, or any portion thereof, on any of specified locations for the protection of public health and safety, as provided.

SB 621, as amended, Sher. **Forest resources: timber harvesting plans.**

(1) Existing law, the Z'berg-Nejedly Forest Practice Act of 1973, requires the Director of Forestry and Fire Protection to review timber harvesting plans to determine if the plans comply with the act and with regulations adopted by the State Board of Forestry.

This bill would require the director to adopt emergency regulations governing the conduct of timber operations for the protection of watercourse and lake protection zones that are adjacent to streams supporting major runs of coho salmon.

(2) The act prohibits a person from conducting timber operations on timberland unless a timber harvesting plan has been prepared by a registered professional forester and has been submitted to the Department of Forestry and Fire Protection and approved by the director or by the state board. This bill would impose additional civil penalties for violations of the act, as prescribed, and would require the consideration of all relevant circumstances pertaining to a violation when determining the

amount of that penalty, and corrective action, if any, required to be taken by the violator.

This bill would authorize any party who is aggrieved by a final order issued by the board pertaining to a violation to obtain a review of the order in the superior court in the county in which the violation occurred by filing a petition for a writ of mandate in the court within a specified time period. By imposing new duties on local governments with respect to the review of the imposition of a civil penalty by the superior court, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

VII. Announcements

Funds for tree planting, thin and release, erosion control, and fish and wildlife habitat improvement projects will soon be available through the California Forest Improvement Program. Approximately \$2.2 million is expected to be available when the new state budget is signed in July.

The California Forest Improvement Program (CFIP) is a state-funded program aimed at improving the economic value and environmental quality of forestlands. CFIP can help rebuild forest and wildlife resources to meet our future needs for a healthy environment and productive forests. Forest landowners can be reimbursed up to 75% of their expenses for the following practices.

- Preparation of a Management Plan.
- Site preparation, tree planting, and follow-up work, such as adding browse guards or fertilizer.
- Tree thinning or release.
- Erosion control, including revegetation, road rehabilitation, and installation of structures such as waterbars, rocked crossings, or check dams to reduce soil erosion and stream sedimentation.
- Fish and wildlife habitat improvement, including creation of corridors and openings, planting blue, valley, coast live or Engelmann oaks or riparian species, installing exclusion fencing along watercourses and wetlands, and stream restoration projects.
- Project supervision by a Registered Professional Forester

The property must contain 20 to 5,000 acres having or capable of supporting at least 10% tree cover and the zoning must allow forest resource management. The 20 acre limitation does not apply to erosion control or fish and wildlife habitat improvement projects.

Ninety percent cost share rates are provided for work on lands damaged by wildfires, insects, disease, wind, floods, landslides or earthquakes during the last ten years.

The minimum project size for tree planting or thin/release work is five acres. Any work required under the Forest Practice Act is not eligible for CFIP funding. Planting or thinning of trees for use as Christmas trees, greenery or firewood is not eligible.

Please contact Jill Butler in Santa Rosa at (707) 576- 2935, Tom Sandelin in Fresno at (559) 243-4108 or Thomas Porter in Riverside at (909) 320-6120, if you have any questions or would like to submit an application.

VIII. Continuing Education

1. Calendar of Courses and Conferences

| DATE | PROGRAM | LOCATION/SPONSORS | CONTACTS |
|-----------------|---|---------------------------|---|
| 1999 | | | |
| May 16 | 6 th National Watershed Conference | Austin TX | John Peterson 703-455-6888 |
| May 17 | Regional Workshops to discuss Proposed Changes to Prescribed Fire | Fresno, CA | Terry McGuire 916-3274-9747 |
| May 21-23 | S. Cal SAF Spring Meeting | San Luis Obispo, CA | Samantha Gill 805-756-6205 |
| May 22-23 | Licensed Timber Operator Training | Ukiah, CA | Mendocino College 707-468-3063 |
| May 25-26 | Natural Resources Law for Foresters | Eugene, OR | Richard Zabel 503-226-4562 |
| June 1-4 | Silviculture Short Course | Santa Cruz County, CA | John Bryant 805-756-5171 |
| June 3 | A Future for Valley Oaks | Visalia, CA | Julie Fetherston 510-642-0095 |
| June 5-12 | Watershed Analysis and Restoration | Yuba Pass, CA | Jim Steele 530-862-1230 |
| June 11-12 | What is a Healthy Watershed? | Chico, CA | Bobbie Cox 530-758-2100 |
| July 12 | #59R Archaeological Refresher Training | Weed Area, CA | Hazel Jackson 209-293-7323 |
| July 13 | #60 Archaeological Training (3 Days) | Redding, CA | Hazel Jackson 209-293-7323 |
| July 14 | Introduction to Arcview: Application in Natural Resources | Corvallis, OR | Oregon State University 541-737-2329 |
| July 14 | GPS in Forestry | Beaverton, OR | Atterbury Consultants 503-646-5393 |
| July 16 | #61R Archaeological Refresher Training | Weed Area, CA | Hazel Jackson 209-293-7323 |
| August 15-20 | California Urban Forest Academy | Cal Poly, San Luis Obispo | John Bryant 805-756-5171 |
| September 15-24 | Natural Resources Institute Systems Approaches to Organisms | Eatonville, WA | 206-543-0867 |
| October 5 | #62R Archaeological Refresher | Ukiah, CA | Hazel Jackson |

| | | | |
|----------------|---|--------------------------------------|--|
| | Training | | 209-293-7323 |
| October 5 | Log Scaling for Timber Cruisers | Beaverton, OR | Atterbury Consultants 503-646-5393 |
| October 6-8 | #63 Archaeological Training (3 Day) | Ukiah, CA | Hazel Jackson 209-293-7323 |
| October 6-7 | Log Scaling for Timber Cruisers | Beaverton, OR | Atterbury Consultants 503-646-5393 |
| October 15 | CALEPAC Symposium'99: Taking it to the field: From Prevention to Management | Sacramento, CA | Sally Davis 949-487-5427 |
| October 29 | CLFA Fall Workshop | Sacramento, CA | Hazel Jackson 209-293-7323 |
| November 2-4 | The Ecology and Management of Dead Wood in Western Forests | Reno, NV | Bill Hull 510-465-4962 |
| November 16-19 | Fire Mgmt: Emerging Policies and New Paradigms | San Diego, CA | 1-800-752-0881 |
| November 30 | #64R Archaeological Refresher Training | Julian Area (San Diego County) CA | Hazel Jackson 209-293-7323 |
| December 3 | CLFA Annual RPF Exam Preparation Seminar | Sacramento, CA | Hazel Jackson 209-293-7323 |
| 2000 | | | |
| January 18-20 | 21 st Annual FVMC Reforestation for the New Millennium – Back to our roots | Redding, CA | Sherry Cooper 530-224-3378 |